

FORM 26. Docketing Statement

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July 2020

**UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

**DOCKETING STATEMENT**

**Case Number:** 23-1969

**Short Case Caption:** Xerox Corp. v. Facebook, Inc.

**Filing Party/Entity:** Xerox Corporation

**Instructions:** Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
PTAB	IPR2021-01461	Inter Partes Review

**Relief sought on appeal:** ☐ None/Not Applicable

Reversal of the Patent Trial and Appeal Board's determination in IPR2021-01461 that original claims 1-5, 7-11, 13-17, and 19-20 and substitute claims 21-25, 27-31, 33-37, and 39-40 of U.S. Patent No. 9,208,439 are unpatentable.

**Relief awarded below (if damages, specify):** ☐ None/Not Applicable

The Board determined in IPR2021-01461 that original claims 1-5, 7-11, 13-17, and 19-20 and substitute claims 21-25, 27-31, 33-37, and 39-40 of U.S. Patent No. 9,208,439 are unpatentable.

**Briefly describe the judgment/order appealed from:**

The Board's March 22, 2023 final written decision in IPR2021-01461 that original claims 1-5, 7-11, 13-17, and 19-20 and substitute claims 21-25, 27-31, 33-37, and 39-40 of U.S. Patent No. 9,208,439 are unpatentable.

**Nature of judgment (select one):**

**Date of judgment:** 3/22/23

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

## FORM 26. Docketing Statement

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☐ None/Not Applicable

Case No. 23-1967, Xerox Corp. v. Snap Inc.

Case No. 23-1968, Xerox Corp. v. X Corp. F/K/A Twitter, Inc.

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the Board erred when it determined that original claims 1-5, 7-11, 13-17, and 19-20 and substitute claims 21-25, 27-31, 33-37, and 39-40 of U.S. Patent No. 9,208,439 are unpatentable.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
- ☐ During the pendency of the case below
- ☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

N/A

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Parties are at an impasse.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

N/A

Date: 6/15/23 Signature: /s/ James E. Quigley

Name: James E. Quigley